

EXHIBIT 16

)
) Affidavit of
) Mr. Dustin Sanchez
)
Joann LeDoux v. Outliers, Inc. et al)
)
)
) 26 March 2024

Pursuant to 28 U.S.C. § 1746, I affirm the following:

I am Dustin Sanchez. I am not a party to the above-captioned case. I run a legal marketing company, and I work in the fields of search engine optimization, brand marketing, and video. I am familiar with websites and tools that enable us to look at historical content on websites.

As I have previously explained at Ms. Jocelyn Stewart's original request in November 2024, I used a tool known as the Internet Archive "Wayback Machine" that enables us to look back to available historical snapshots of webpages.

After Ms. Stewart received the court's ruling on this litigation, Ms. Stewart got in touch with me to ask me about any historical captures available for any available third-party secure checkout page. I told her that I could check. She sent me the website again, and I did perform a cursory search. After this initial look, I told to her that only the public-facing part of the website was cataloged, so if there were a third-party page, I would not find a corresponding third-party billing page. I further told her that in looking at the "FindMyFormula" website, the purchase process was not recorded in the Internet Archive "Wayback Machine".

On March 25, 2025, Ms. Stewart again sought my help on this topic. I was able to locate helpful information about what a visitor to the website in 2021 would see in making a purchase.

For purposes of analyzing the purchase process generally, I will call any page that has a call to action for "Buy Now" or words to that effect, the "Buy Now" page. The "Buy Now" button links to the "Secure Checkout Page." The "Secure Checkout Page" is where a purchaser inputs their credit card information and completes the purchase.

User Interface

The first step that I took was to examine the page as a user would see the page.

I spent several hours going through each page that is cached for the "FindMyFormula" website. The site's homepage of <https://findmyformula.com> was saved 187 times between April 29, 2017, and January 4, 2025. The "Wayback Machine" also cached several other pages from the "FindMyFormula" website. Initially, I did not find a link to a checkout page that was immediately available from the homepage, which is what I had undertaken preliminarily the last time Ms. Stewart asked for my help.

This time, I expanded my searches. I went through each of the other pages that were cached between February 2021 and December 2021 to examine if any of the other links on the site's pages would get a user to a page where they could make a purchase.

What I found was that there are several checkout options during the time between February 2021 and December 2021. I will explain in detail my findings below, but here I will provide that a user on the

site between February 2021 and December 2021 could make a purchase after completing the quiz, after navigating to a specific showcased person's story to select to buy that person's specific formula, and from several pages on the site for individual ingredients, among others.

Specific User-Interface Findings

The first avenue where I located a page that would lead to a "Buy Now" page on the "FindMyFormula" website was when I examined the ingredient page for phenylpiracetam located at <https://www.findmyformula.com/ingredient/phenylpiracetam>, where there is still an active link for the "Buy Now" button. I clicked the "Buy Now" button, and it provided two ways of making a purchase: the first, for a set price of \$119 to make a one-time purchase, and the second, for a reduced price of \$79 to sign up for a recurring monthly subscription. When a person clicks on the monthly subscription option, it immediately takes the user to the "Secure Checkout" page. The cache for what is visible to the user does not pull up the screen that the user would see. As I will explain later in my second research method, there is available HTML code on the checkout pages that I located. Again, when we are talking about what a user can see, the checkout page is not cached, other than to show a still image of the loading purchase website. I am attaching what the user can see from the cached checkout page for reference.

From my experience in marketing, branding, and website design and redesign, there are frequently pop-ups between the user pressing a button to "buy", "checkout", "purchase" or similar actions to obtain a

given product that will require an affirmative action by the user to indicate agreement to Terms of Service, Service Terms, Privacy Statement, and even those that purport to waive liability. Sometimes these pop-ups will include all of the language of the Service Terms, while others possess a clearly discernible active (often blue) hyperlink that enables the user to navigate immediately upon depressing the hyperlink to read those Terms, while still others require the user to navigate down the Terms before a required checkbox must be checked and proceeding to the page to input one's payment information.

When I navigated as a user between the various purchase options a user would have had on the FindMyFormula website, there is no evidence of an intermediary process or pop-up to require a click on any terms of service or medical waiver to get from the "Buy Now" button to the "Secure Checkout page." Clicking "Buy Now" immediately takes a user to the "Secure Checkout page." Of note, this page was cached on July 25, 2021, and October 20, 2021. The results for both dates are identical. There is no change to what the user would see.

I followed the same process with the ingredient page for centrophenoxine located at <https://findmyformula.com/ingredient/centrophenoxine>. The results were the same as they were for the ingredient phenylpiracetam, with two caches for July 25, 2021, and 20 October 2021. The "Buy Now" option has identical purchase options and even if a user changes the default to a one-time purchase for \$119, the user is sent to the same secure checkout page. There is no pop-up or greyed-out return.

I believe I found what appears to be the website's general purchase page, located at <https://www.findmyformula.com/product/1>, which is cached for July and October 2021. It did not appear to change in design, layout, or content from the user's perspective.

As I continued to search for various purchase options on the FindMyFormula website, when I combed through other pages on the site that are cached between July 18, 2020, and September 27, 2021, not all pages would get the user to the "Buy Now" option, although several pages prompted the user to select an option that would take the user to the site's quiz page. For example, the page that lists all of the ingredients [<https://www.findmyformula.com/ingredients>] does not have the "Buy Now" button. Instead, its call to action is "Ready to try it out?" and immediately next to it is a button for "Find My Formula". Clicking the "Find My Formula" button takes the user to a quiz page and that quiz page says, "Take the Quiz."

Evidence of Little to No Change in User Experience - Slider

The homepage has no discernible changes to the user experience throughout 2021. On the "FindMyFormula" website homepage beginning as early as May 2019, about two-thirds down toward the bottom, you find what is known as a slider. A slider on the home webpage (also called a carousel) is a UI component that displays multiple pieces of content—such as images, text, or videos—within a rotating or sliding interface. Users can navigate through slides manually or automatically, often using arrows, dots, or swiping gestures. The "FindMyFormula" home page of the website remains unchanged through 2019, 2020, and all of 2021. It moves automatically but also allows

the user to select to go back or forward with arrows that are adjacent to each side of the slider. The slider on the site shows a series of people who state they take the product, and by clicking on each individual, the user can see pages that show what specific products each individual says they take. In clicking through three of the people on the slider (Skye Gallagher, Dave DeMesquita, and Alicia Eckenroth), the website provides the user an option to buy that individual's "formula".

Multiple "Buy Now" Purchase Pages

This is significant only in that I located multiple "Buy Now" purchase pages rather than merely one overall "Buy Now" page that I believe I located at <https://www.findmyformula.com/product/1>. This is not uncommon for a webpage to have different pages for a place to purchase their product, particularly when there are multiple different products to buy. I point it out because in reviewing the two declarations in support of the Defendants' Second Motion to Compel Arbitration, both affiants appear to imply there was only one process to get to a "Checkout Page"; at minimum, they did not provide information that there were multiple options that would lead to "Secure Checkout" pages in 2020 and 2021.

Another location I was able to uncover via the "Wayback Machine" of a page that allows the user to select items for purchase on a "Buy Now" page has three captures for the specific URL <https://findmyformula.com/product/skyegallagher>. The dates for those caches are July 21, 2021, September 27, 2021, and October 20, 2021. The page showcases the "story" of Sky Gallagher and her testimonial on

the four products that she says she takes for her "formula". If a user reviews her story and decides to purchase the exact "formula" that Ms. Gallagher takes, the user can click on the call to action which says, "Experience Results Today" and the adjacent button to buy says "Buy Skye's Formula". When the user selects to buy this person's "formula", the page is almost identical in content to the other general purchase options from the "Buy Now" option in that it contains the same "One-Time Purchase" option or the "Subscribe & save" subscription purchase option for \$79. As before, there is no intermediary popup between clicking for purchase and the secure checkout. There are five historical captures from the relevant period for

<https://www.findmyformula.com/product/skyegallagher>, and they are for September 27, 2020, through December 1, 2021; they are identical.

There is no change to the December 1, 2021, purchase option page whatsoever. Please note that even though the slider with Ms. Gallagher appeared in the latter half of 2021, Ms. Gallagher's testimonial page with her "formula" was part of the website before the slider emerged in the second half of 2021.

The page for another person (Dave DeMesquita) on the same slider whose "story" you can read and whose "formula" you can purchase is cached four times between August 15, 2020, and October 20, 2021. The purchase option for the call to action to "Experience Results Today" and the adjacent button to buy for "Buy Dave's Formula" are identical for all four caches. That website link is <https://findmyformula.com/stories/dynamite>. There are two caches for the purchase option from 2021, and they are October 20, 2021, and

December 1, 2021. The purchase option did not change in any of the available caches. Similarly, there were additional caches for 2020 and none of them changed either.

I repeated the user view research on the page for another person, Alicia Eckenroth, from the same slider whose "story" you can read. Ms. Eckenroth's "formula" is also available for a user to purchase and is cached four times between August 15, 2020, and October 20, 2021. The purchase option for the call to action to "Experience Results Today" and the adjacent button to buy for "Buy Alicia's Formula" are identical for all four caches. That website link is <https://findmyformula.com/stories/aliciathenutritionista>. There are five caches for the purchase option to buy "Alicia's formula" from 2020 to 2021, and range from September 27, 2020, to December 1, 2021. The purchase option did not change in any of the available caches.

I combed through other pages on the site that are cached to see if there are other ways to navigate to any other purchase options in 2020 and 2021. I looked on the page <https://www.findmyformula.com/science> for available caches in 2020 and 2021. At the bottom of the page, there is a call to action for "Experience Results Today" and an adjacent "Buy Now" button. This page has been cached six times between July 18, 2020, and June 22, 2021. When you select the "Buy Now" button from this page, it takes you to what seems to be the site's overall or main purchase page <https://www.findmyformula.com/product/1>. Again, this page presents identical options for the "One-Time Purchase" or the "Subscribe & save".

I also reviewed the page for <https://findmyformula.com/faq> for their frequently asked questions (FAQ) in 2020 and 2021. The bottom of the FAQ page has the call to action "Experience Results Today" and the same "Buy Now" button. This FAQ page has five captures between July 18, 2020, and December 7, 2021. Clicking the "Buy Now" button takes a user to the same page, what seems to be the site's overall purchase page located at <https://www.findmyformula.com/product/1>. Again, this page presents identical options for the "One-Time Purchase" or the "Subscribe & save" that I described before and identical for the user's experience.

From the bottom of the homepage, I also explored cached pages for the "About Us" page. The "About Us" page has a call to action at the bottom for "Experience Results Today" and an adjacent purple button. The available caches do not have the writing on the purple button where one would usually have seen the "Buy Now" writing, but the button is identical in color, shape, and size to the site's other cached "Buy Now" buttons that are adjacent to the call to action "Experience Results Today". When you click on the identical purple button, it takes you to what seems to be the site's overall purchase page <https://www.findmyformula.com/product/1>, helping to confirm this was the user's "Buy Now" button. Again, this page presents identical options for the "One-Time Purchase" or the "Subscribe & save" for the user's experience.

Rebranding Research

At Ms. Stewart's request, I also performed some research about the takethesis.com website and the company's apparent rebranding. It

appears the defendant began building on the website domain in October 2020 when they installed a Shopify template or content management system. From available data, it does not appear that the TakeThesis website began to be fully developed by adding content and images until at least the second half of 2021 and more in the November and December timeframe. At present, if a person tries to go to the findmyformula.com website, they are redirected to <https://try.takethesis.com>. A redirect is a technique used to automatically send visitors from one URL to another. It is commonly used for various reasons, such as website migrations, domain changes, URL restructuring, to consolidate duplicate content, and/or when undergoing a rebranding. This demonstrates that the corporation added a subdomain to its website TakeThesis which is Try.TakeThesis.

When performing research on the FindMyFormula website's historical caches, the "Wayback Machine" starts to redirect a user from the FindMyFormula website to the TakeThesis website in December 2021.

After going through the pages on the "FindMyFormula" website and using a tool on the "Wayback Machine" that measures changes to sites, I can attest that there are no changes to the "FindMyFormula" website in 2025, 2024, 2023, or 2022. There were seven changes to the FindMyFormula website's website in 2021, and all of those changes to the site occurred in the second half of 2021. There is also evidence indicates from the "Wayback Machine" is that there was the launch of the "TakeThesis.com/formula" website in late December 2021, and the "FindMyFormula" was pointed to the "TakeThesis" website.

The 2022 copyrighted "TakeThesis" website homepage lists "Medical Disclaimer" and "Terms of Service" at the very bottom of the site with an underline that indicates both have hyperlinks. The "FindMyFormula" website used "Terms of Use", not "Terms of Service". The first cache of the existence of the complete "TakeThesis.com/formula" website is December 28, 2021. There is a cache for the site from October 25, 2021, that was incomplete and did not include a header menu outlined at the top of the home page, and it did not include all of the images that correspond to additional content on the homepage. It is clear the site was under development on October 25, 2021, but it was not complete. The same is true for the available cache in November 2021. By the cache on December 28, 2021, all content is present including all of the page titles at the top of the page (About, Science, Ingredients, FAQ, and the Get Started button) and a banner that appears to announce a new branding.

Of note, the "TakeThesis" website no longer funnels users to purchase the product through a "Buy Now" option. Even as early as 2022, I could not find any more of the "Buy Now" buttons on the "TakeThesis" website. Instead, everything became funneled through the user "finding" their "formula." The web pages in 2022 list a call to action to "Discover Your Blends" or "Get Started" and each of these buttons prompts the user to take the quiz to obtain their individualized "formula." I reviewed the pages entitled "Ingredients", "Science", "FAQ", and "About Us". At the top right of each page lists the button "Get Started" and almost all the way to the bottom of each page the call to action states "Stop Procrastinating" and the button

says, "Discover Your Blends". Both buttons take the user to the "TakeThesis" Quiz.

Another important difference in the sites is that the "TakeThesis" website has its disclaimer called "Medical Disclaimer", and the page on the site is <https://takethesis.com/medical-disclaimer>. Different disclaiming language appears in the homepage footer on the "FindMyFormula" website regarding a disclaimer that is found on the "TakeThesis" homepage footer; instead, the previous medical disclaimer language is located on its own page of the "TakeThesis" website.

All evidence indicates the site was being developed in the second half of 2021 but did not go live until on or about December 28, 2021. Websites undergo testing before they are live, and often, as was the case here, the old site remains active for some time as the new site launches. As is typical, there was a redirect between the two sites. From the available caches of the "FindMyFormula" website, its redirect to the "TakeThesis" website was active at least as early as December 28, 2021.

HTML Code Research

The third avenue of my research was to look for HTML code from the checkout pages to determine whether there is corroboration for the claims made in the two supporting declarations to the Defendants' second motion to compel.

I have been made aware that there is an attestation that a software engineer engaged in changing the website in July 2021. Specifically, I am aware of the assertion that "[i]n July 2021...the Formula Website's checkout page used web-based checkout technology

from Carthook Inc.” and that “The checkout page contained a large ‘purchase’ button. Just above the purchase button was a check box followed by text stating in substance: ‘I have read and agree to the Terms and conditions and Medical Disclaimer.’ Thesis’s ‘Terms and Conditions’ (‘Terms’) were hyperlinked to that text. As a result, a customer had the ability to view all the Terms before making a purchase. In order to buy a subscription of Thesis supplements on the Formula Website, a customer had to first check the box agreeing to the terms; otherwise, clicking the purchase button would not result in a transaction.”

There is no evidence to support their assertions.

First, there is no evidence of a visible required checkbox on any of the “Buy Now” pages and there is no evidence of a visible required checkbox on the “Secure Checkout” page of the FindMyFormula website in 2021 whatsoever. While it remains true that there is no visible third-party checkout page as the user would have seen it represented in any cache of the “Wayback Machine”, the checkout page does bear what is known as HTML code. To find the code, one must utilize an advanced setting, e.g. “show features for web developers” on a Mac and then access the code through a series of commands. There are similar functions on a PC with a Windows operating system. When enabled, a separate horizontal split screen will open up with a view of the code below the webpage experience the user would see. I am attaching several screen captures of the code as it appeared during this phase of research.

The HTML code is the blueprint that tells the web browser what to show, including what the text on the page shows, where images should appear, what images should appear, whether something is bold or italic, and where links should go when clicked. For example, if a webpage says, "Click here to agree to the Terms", the HTML code behind it includes a hyperlink tag that connects that text to another page. That part of the code might look like, "Click here to agree to the Terms", and the HTML code behind it includes a hyperlink tag that connects that text to another page. That part of the code might look like: `Click here to agree to the Terms`. To a person visiting the site, it just looks like blue, clickable text. But underneath, the HTML is what tells the browser what that text does. The HTML code reveals what the page contained and how it appeared when it was visible to the user.

When I examined the HTML code on the cached 2021 checkout pages I described earlier, they contained no corresponding code for any visible checkbox on the checkout page. I am attaching the HTML for all available caches for the 2021 checkout pages so that anyone can examine my findings. HTML code that would indicate a checkbox would say, `<input type="checkbox">` or provide similar code. Please note that while the word "checkbox" appears in many places in the HTML code, this is a placeholder and does not connote an actual checkbox that would be visible to the user. In code, additional code around the checkbox will, for example, place an image over it. That is the case with all of the code for the FindMyFormula website. While the code includes the word "checkbox" in several places, the code around it

hides any visible checkbox from the user experience and instead places images or other text over it.

Second, in looking at the code for the cached 2021 checkout pages there are no hyperlinks for "Terms of Service" or "Medical Waiver" on any checkout page from FindMyFormula's website in 2021. In fact, there is no page on the FindMyFormula website entitled "Terms of Service." The FindMyFormula website contains a reference to "Terms of Use" at the bottom of the homepage, in what is called a footer, as I described in my November 2024 affidavit which has no discernible hyperlink on it. The purchase pages in 2021 contain no reference to "Terms of Service". The TakeThesis website that eventually replaced the FindMyFormula website contains a page entitled "Terms of Service." At the bottom of the TakeThesis website homepage in the footer there is hyperlinked language for "Terms of Service" and clicking on that language at the bottom of the TakeThesis website homepage takes you to the TakeThesis page entitled "Terms of Service." As I also explained in my November 2024 affidavit, there is a reference to a medical disclaimer contained in paragraph at the bottom of the FindMyFormula homepage in its footer, but the words contain a barely discernible, hyperlink for the words "Medical Disclaimer". The surrounding words in the same paragraph of the footer are purple in color and the words "Medical Disclaimer" are blue. As before, unless the user hovers over the word Waiver, they may not see there is a hyperlink.

I did locate HTML code on one of the secure 2021 checkout pages that references a waiver, but as I explained in an earlier paragraph of this affidavit, there is no hyperlink on the reference to the

waiver. The referenced waiver and the other language next to the button for making the purchase that reads "Complete Purchase" are located in a text box. The text box bears no links or underlined language, and there is no code to indicate any other emphasis, such as a different color, italicization, or bold font. Please note that HTML code can tell us if there had been a required checkbox and any grayed out content, and HTML code can tell us if there had been any words in the text box that contained a hyperlink, and if any word or words had a hyperlink, what would be the page that the hyperlink would lead the user to had they clicked on the hyperlink. There are no words that were hyperlinked on any version of any 2021 checkout page on the FindMyFormula website. I am highlighting the code in yellow to draw a reader's eye to the words of agreement in the HTML code that I found on the sole cached checkout page for the main product/1 checkout page. To be clear, there is only one cache of the checkout page from 2021, and it is from December 1, 2021.

The language on the FindMyFormula checkout page from the December 1, 2021, cache reads:

By clicking "Complete Purchase", you confirm that your subscription will automatically renew every 4 weeks and your credit card will be automatically charged the subscription price shown on the order page (\$79) until you cancel online, by emailing hello@findmyformula.com or by calling Customer Support at 646 647-3599. You also agree to our terms and conditions and our medical disclaimer. We stand by our product and offer a full

money back guarantee within 100 days of purchase (limit one refund per customer).

In carefully reviewing the claims of the software engineer affiant, there is no evidence that any hyperlink coined "terms and conditions" or "terms" in any hyperlink or otherwise existed on the "FindMyFormula" website in 2021, 2022, or 2023. There is no url for a page entitled "Terms and Conditions" or any page entitled "Terms of Service". Instead, there is a page url for the page calls "Terms of Use." If a user clicks on the url in the footer which is called "terms of use" they will navigate to a url findmyformula.com/terms. This is the page that contains text at the top of it called "Terms and Conditions." This page is identical to what is contained in the defendants supporting declarations as "Exhibit A." My analysis and evidence provided about the location and lack of notoriety of the terms of use reference and page remain unchanged. Additionally, similar to the "Terms" page, the "Medical Disclaimer" is seemingly hidden in the footer of the FindMyFormula website. The page where the "Medical Disclaimer" is located on the FindMyFormula website is the url findmyformula.com/disclaimer. On the TakeThesis website, that disclaimer is located at <https://takethesis.com/medical-disclaimer>.

Another aspect of the software engineer's declaration that I cannot locate any evidence to support is the assertion that in the fall of 2021, he *removed* a previously existing checkbox that had previously been on the purchase page when his employment began in July 2021. There is no evidence of any prior checkboxes, particularly any

containing hyperlinked words, in any code on the FindMyFormula website.

On the contrary, I found evidence in code (lines 226 - 234) from the FindMyFormula website first cached on August 14, 2020, that previous hyperlinks to a Privacy Policy and Terms of Use were commented out of the footer on the page

<https://findmyformula.com/static/checkout/quiz/html>. This means that before August 2020, aspects of the footer (which is at the very bottom of the webpage) that included a Privacy Policy and Terms of Use existed in the code but were intentionally hidden from users. This remained the case at least until November 18, 2022. To understand what I mean by "commenting out" code, I can provide that sometimes, developers include pieces of HTML code but intentionally disable it so that it does not appear to users visiting the site. This is called "commenting out" the code. When code is commented out, it is still present in the page's source code (the behind-the-scenes instructions for the browser), but it is ignored by the browser and not shown to the user, and it does not function or display unless or until the comment is removed. This is done using special symbols like `<!--` to begin the comment and `-->` to end it.

In this case, what a visible link to the Privacy Policy looks like in HTML: `Privacy Policy` But if the developer comments it out, it looks like this:

```
<!-- <a href="https://example.com/privacy">Privacy Policy</a> -->
```

In this second version, even though the link is still technically in the code, the web browser will not show it, and users have no way to click it or even know it exists.

The reason the comment-out code is important to me when I am analyzing the website is that I would expect to have seen similar code to comment-out code for a previously visible checkbox. There is none. There is no code on the FindMyFormula website that contains the necessary code to produce a visible checkbox on any page, let alone a payment or checkout page. There is no code that is commented out to remove a previously employed checkbox. Had there been code for the supposed visible checkbox requirement implemented in July 2021 on a FindMyFormula checkout page as the software affiant claimed and had the software engineer then removed it, I would expect to have seen the visible checkbox requirement commented out in code. Again, there is no evidence of any visible checkbox in code on the FindMyFormula website in 2021, and there is no code to comment-out any alleged prior existing checkbox requirement code.

Similarly, I have been able to find zero evidence to support Ms. LulaJohnson's assertion that there had been a visible checkbox requirement on a checkout page containing hyperlinked Terms of Service from 2020 through July 2021, particularly since there is no evidence of a visible checkbox at all in any code on the available cached pages on the FindMyFormula website.

Checkbox Code

On March 25, 2025, I reviewed the TakeThesis website's "Secured Checkout" page. It provides an example of what the page would look

like with a required checkbox and agreement with notorious, hyperlinked Terms of Service and Privacy Policy. I looked at the code for the March 25, 2025, live TakeThesis website which shows both the checkbox and the hyperlinked Terms of Service and Privacy Policy. The HTML code reads as follows: `<input type="checkbox" id="accept_terms" name="accept_terms" required>`
`<label for="accept_terms">`

I have read and agree to the [Privacy Policy](/policies/privacy-policy) &

```
<a href="/policies/terms-of-service" target="_blank">Terms of
Service</a>
</label>
```

The checkbox is marked as required, meaning the user must check it before proceeding with the purchase.

The portion of the code that indicates the words "Terms of Service" and "Privacy Policy" are hyperlinked is as follows:

```
<a href="/policies/privacy-policy" target="_blank">Privacy Policy</a>  
  
&nbsp;& & &
```

```
<a href="/policies/terms-of-service" target="_blank">Terms of  
Service</a>
```

`` – This is the HTML tag used to create a clickable link. `/policies/privacy-policy` is The URL the link points to (relative path on the TakeThesis.com site). `target="_blank"` is the code that tells the browser to open the link in a new tab or window, so the user doesn't lose their place in the checkout flow. Privacy Policy and Terms of Service is the visible text the user sees and

clicks on. On this version of the TakeThesis website, there are separate pages on the website called <https://try.takethesis.com/policies/privacy-policy> and <https://try.takethesis.com/policies/terms-of-service>. These correspond to where the user would be taken if those clear hyperlinked words were clicked. The required checkbox and hyperlinks that are actually present on this March 25, 2025, TakeThesis website checkout page displays what the affiants allege was present on the 2021 FindMyFormula website, but for which I could find no direct or even circumstantial evidence.

From available evidence collected by Plaintiff's investigator on June 9, 2024, there was no required checkbox and no hyperlinked indication of Terms of Service at checkout when the Plaintiff's legal team purchased the TakeThesis product.

Monthly Subscription

The last area of my research revolved around required user interaction to obtain the product. I am aware of Plaintiff's assertions that she visited the website to make her subscription purchase on March 18, 2021, that she did not make additional user-driven purchases, and returned to the website on October 3, 2021, to cancel her monthly subscription. I reviewed her November 2024 declaration and her March 2025 declaration, in addition to the purchase order history attributed to Plaintiff.

All indications for the purchase options on the "FindMyFormula" website are that once a user buys the monthly subscription option, the purchases continue automatically, and the user does not need to take

any additional actions on the site. The cancellation and/or return policy directs the subscriber who wishes to cancel, to email or call customer support. I reviewed the email confirmation of Plaintiff's March 18, 2021, purchase, and there is no indication in the email of how to cancel the subscription or how the user would have an archive of what was given to them at their checkout for the subscription. The email confirmation mentions only how to opt out of future emails, and it does not contain the cancellation policy for the subscription. The 2021 FindMyFormula website does indicate the cancellation policy, and that policy is consistent with the process the Plaintiff describes taking and for which she offers her sent email and the one she received, cancelling her subscription.

If the subscriber wished to cancel their monthly subscription, the 2021 website tells the user how to cancel. From the available caches on July 25, 2021, and October 20, 2021, the subscriber would need to email hello@findmyformula.com to cancel their subscription.

I declare under penalty of perjury that the foregoing is true and correct.



Dustin Sanchez